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Drawing Amendments

There are no amendments to the drawings.

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Remarks

The Office Action of 03/24/2005 rejected claims 1, 3, 5, 7, 9, 11, 13-14, 16-19, 32, 34, 36, 38, and 40 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,151,315 by G.R. Ash, et al. (hereafter referred to as Ash). Further, the Office Action rejected claims 2, 4, 6, 8, 10, 12, 15, 20-31, 33, 35, 37, 39, and 41-53 as being unpatentable under 35 U.S.C. §103(a) over Ash in view of U.S. Patent No. 6,738,358 by A. Bist, et al. (hereafter referred to as Bist).

Rejection of Claims 1, 3, 5, 7, 9, and 11 under 35 U.S.C. 102(e)

This rejection is respectfully traversed. Claim 1 recites:

1. (Original) A method for controlling echoes within a telecommunication switching system having a plurality of local exchange carriers and a plurality of local telecommunication switches where each of the plurality of local exchange carriers is connected to a plurality of telephone sets attached to a plurality of local telephone switching offices of each of the plurality of local exchange carriers and each of the plurality of local telecommunication switches is connected to a plurality of telephone sets, comprising the steps of:

receiving by one of the plurality of local telecommunication switches a call setup message from one of a first plurality of telephone sets connected to one of a first plurality of local exchange carriers with a first trunk circuit interconnecting the one of the plurality of local telecommunication switches with the one of the first plurality of local exchange carriers;

determining by the one of the plurality of local telecommunication switches that the call setup message designates one of a second plurality of telephone sets connected to one of a second plurality of local exchange carriers as a destination of the call setup message;

determining by the one of the plurality of local telecommunication switches in response to the call setup message that a first one of a first plurality of local telephone switching offices of the one of the first plurality of local exchange carriers to which the one of the first plurality of telephone sets is connected requires echo cancellation operations; and

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providing by the one of the plurality of local telecommunication switches in response to the determination that echo cancellation operations are required for the first one of the first plurality of local telephone switching offices echo cancellation operations for a first call path from the one of the plurality of local telecommunication switches to the first one of the first plurality of the local telephone switching offices of the first one of the plurality of local exchange carriers.

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference. Also, See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Further more, M.P.E.P § 2131 requires a reference to teach each and every limitation of a rejected claim to be anticipatory. Applicant submits that Ash does not met these requirements with respect to claim 1.

In rejecting claim 1, the Office Action reproduces claim 1 and follows this reproduction by stating that the claim "is disclosed in Ash, figure 1 (showing a typical telecommunications system that contains trunks and would receive calls) and column 4, lines 42-43 (disclosing echo

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cancellation capability in the trunks." Figure 1 of Ash discloses only two switching systems (12₁ and 12₂). These two switching systems signal each other via signaling network 20. Signaling network 20 doesn't communicate calls. switching system 12₁ and switching system 12₂ communicate calls via fabrics 22₁, 22₂, and 22₃. The fabrics are disclosed as "The switching system 12₁ includes a first and second switching fabrics 22₁ and 22₂, that terminating transmission facilities 24₁ and 24₂, respectively, that may take the form of one or more trunks or channels. Each of the fabrics 22₁ and 22₂ also include devices (not shown) that provide multiple stages of space and time switching as is understood in the art. The fabrics 22₁ and 22₂ may take different forms for terminating different types of calls." (See Col. 2, lines 51-59.) Clearly, fabrics 22₁ and 22₂ are simply components of switching system 12₁ and are not separate switching systems. Fabric 22₃ is similar to fabrics 22₁ and 22₂.

Figure 1 of Ash discloses only two switching systems and no telephones. However, claim 1 recites "a plurality of local exchange carriers and a plurality of local telecommunication switches where each of the plurality of local exchange carriers is connected to a plurality of telephone sets attached to a plurality of local telephone switching offices of each of the plurality of local exchange carriers and each of the plurality of local telecommunication switches is connected to a plurality of telephone sets..." Clearly, Ash cannot be anticipatory of claim 1 under 35 U.S.C. 102 since Ash fails to teach all of the elements of claim 1.

Further, claim 1 recites "determining by the one of the plurality of local telecommunication switches ... that a first one of a first plurality of local telephone switching offices ... requires echo cancellation operations; and providing by the one of the plurality of local telecommunication switches in response to the determination ... echo cancellation operations for a first call path from the one of the plurality of local telecommunication switches to the first one of the first plurality of the local telephone

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switching offices ...” The text cited by the Office Action states at Col. 4, lines 42-44 states “randomize/load balance, sequential, or other, and (c) per-call-control execution data, such as activate echo cancellation. The fabric controller responds to the call processor 14 with the trunk selected, or all trunks busy. The call processor 14 sets up the call with normal routing processing, or blocks the call if all trunks busy is received from the fabric controller. The call processor 14” Ash only discloses that echo cancellation is activated and not the operation of determining that a link from a connected switching system needs echo cancellation and only performing echo cancellation based on this determination as recited in claim 1.

In summary, applicant submits that claim 1 is patentable under 35 U.S.C. 102(e) over Ash. Further, dependent claims 3, 5, 7, 9, and 11 are directly or indirectly dependent on claim 1 and are patentable for at least the same reasons as claim 1.

Rejection of Claims 13, 14 and 16-19 under 35 U.S.C. 102(e)

This rejection is respectfully traversed. Claims 13, 14 and 16-19 are patentable under 35 U.S.C. 102(e) over Ash for at least the same reasons that claims 1, 3, 5, 7, 9, and 11 are patentable under 35 U.S.C. 102(e) over Ash.

Rejection of Claims 32, 34, 36, 38, and 40 under 35 U.S.C. 102(e)

This rejection is respectfully traversed. Claims 32, 34, 36, 38, and 40 are patentable under 35 U.S.C. 102(e) over Ash for at least the same reasons that claims 1, 3, 5, 7, 9, and 11 are patentable under 35 U.S.C. 102(e) over Ash.

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Rejection of Claims 2, 4, 6, 8, 10, and 12 under 35 U.S.C.

103(a)

This rejection is respectfully traversed. Dependent claims 2, 4, 6, 8, 10, and 12 are directly or indirectly dependent on claim 1 and are patentable for at least the same reasons as claim 1 since Ash and Bist separately or in combination fail to make claim 1 unpatentable under 35 U.S.C. 103(a). The Office Action relies on Bist only for the purpose of "disclosing a echo canceller that is referred to as a long tail echo canceller". Hence, Ash and Bist in combination do not overcome the previous arguments that claim 1 was patentable.

In addition, claims 2, 4, 6, 8, 10, and 12 recites "the step of adjusting the echo cancellation capabilities of the first trunk circuit with respect to an echo tail length for the first call path". The Office Action states that this step is disclosed in Col. 36, lines 60-61 of Bist. The cited text states "invention we provide a solution for a high density robust long-tail echo canceller which has attributes of scalability,". This does not disclose or suggest the recited step of adjusting the echo cancellation capabilities on a per call path as the path is established. (Note, claim 1 recites that the call path is being established.)

Rejection of Claim 15 under 35 U.S.C. 103(a)

This rejection is respectfully traversed. Dependent claim 15 directly dependent on claim 13 and are patentable for at least the same reasons as claim 13 since Ash and Brist separately or in combination fail to make claim 13 unpatentable under 35 U.S.C. 103(a) in light of Ash in view of Brist. The Office Action relies on Brist only for the purpose of "disclosing a echo canceller that is referred to as a long tail echo canceller". Hence, Ash and Brist in combination do not overcome the previous arguments that claim 13 was patentable.

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In addition, claim 15 recites "the step of adjusting the echo cancellation capabilities of the first trunk circuit with respect to an echo tail length for the first call path". The Office Action states that this step is disclosed in Col. 36, lines 60-61 of Bist. The cited text states "invention we provide a solution for a high density robust long-tail echo canceller which has attributes of scalability.". This does not disclose or suggest the recited step of adjusting the echo cancellation capabilities on a per call path as the path is being established. (Note, claim 13 recites that the call path is being established.)

Rejection of Claims 20-31 under 35 U.S.C. 103(a)

This rejection is respectfully traversed. Claim 20 recites:

A method for controlling echoes within a telecommunication switching system having a plurality of local exchange carriers, a wide area network, pluralities of softphones, a plurality of remote switches, and a plurality of local telecommunication switches where each of the plurality of local exchange carriers is connected to a plurality of telephone sets attached to a plurality of local telephone switching offices of each of the plurality of local exchange carriers and each of the plurality of local telecommunication switches is connected to a plurality of telephone sets and each of the plurality of remote switches is connected to a first plurality of softphones, comprising the steps of:

connecting the plurality of remote switches to each of the plurality of local telecommunication switches via the wide area network;

providing echo cancellation circuits in each of the plurality of remote switches with each echo cancellation circuit having an echo tail length adjusted to eliminate an echo produced by each of the first plurality of softphones;

connecting each of a second plurality of softphones to each of the plurality of local telecommunication switches via the wide area network;

providing an echo cancellation circuit in each of the second plurality of softphones having an echo tail length adjusted to eliminate an echo produced by each of the second plurality of softphones;

connecting one of the plurality of local exchange carriers to the wide area network via one of the plurality of local

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telecommunication switches with the one of the plurality of local exchange carriers interconnected to the one of the plurality of local telecommunication switches by a plurality of trunk circuits in the one of the plurality of local telecommunication switches; and providing echo cancellation operations in each of the plurality of trunk circuits adjusted to eliminate echoes produced by the one of the plurality of local exchange carriers on an individual call path basis.

As noted in the previous discussion of the rejection of claim 1 under 35 U.S.C. 102(e), Figure 1 of Ash discloses only two switching systems and no telephones. Also, Bist disclose only an echo canceller. However, claim 20 recites "a plurality of local exchange carriers, a wide area network, pluralities of softphones, a plurality of remote switches, and a plurality of local telecommunication switches where each of the plurality of local exchange carriers is connected to a plurality of telephone sets attached to a plurality of local telephone switching offices of each of the plurality of local exchange carriers and each of the plurality of local telecommunication switches is connected to a plurality of telephone sets and each of the plurality of remote switches is connected to a first plurality of softphones". Ash and Bist either separately or in combination do not disclose or suggest all of these elements or their operations.

Further, claim 20 recites that echo cancellation is adjusted in remote switches, softphones, and trunks in local telecommunication switches. The Office Action states that this is disclosed in Bist and cites the text at Col. 36, lines 60-61. However, the cited text only states "invention we provide a solution for a high density robust long-tail echo canceller which has attributes of scalability,". This does not disclose or suggest the recited step of adjusting the echo cancellation capabilities on a per call path as the path is being established in remote switches, softphones, and trunks.

In view of foregoing, claim 20 is patentable over Ash in view of Bist under 35 U.S.C. 103(a). Dependent claims 21-30 are directly or

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indirectly dependent on claim 20 and are patentable for at least the same reasons as claim 20.

Rejection of Claims 33, 35, 37, 39, and 41 under 35 U.S.C. 103(a)

This rejection is respectfully traversed. Dependent claims 33, 35, 37, 39 and 41 are directly or indirectly dependent on claim 32 and are patentable for at least the same reasons as claim 32 since Ash and Bist separately or in combination fail to make claim 32 unpatentable under 35 U.S.C. 103(a) in light of Ash in view of Bist. The Office Action relies on Bist only for the purpose of "disclosing a echo canceller that is referred to as a long tail echo canceller". Hence, Ash and Bist in combination do not overcome the previous arguments that claim 1 was patentable.

In addition, claims 33, 35, 37, 39 and 41 recites "means of adjusting the echo cancellation capabilities of the first trunk circuit with respect to an echo tail length for the first call path". The Office Action states that this step is disclosed in Col. 36, lines 60-61 of Bist. The cited text states "invention we provide a solution for a high density robust long-tail echo canceller which has attributes of scalability.". This does not disclose or suggest the recited step of adjusting the echo cancellation capabilities on a per call path as the path is established. (Note, claim 32 recites that the call path is being established.)

Rejection of Claims 42-53 under 35 U.S.C. 103(a)

This rejection is respectfully traversed. Claims 42-53 are patentable for the same reasons as claims 20-31.

SUMMARY

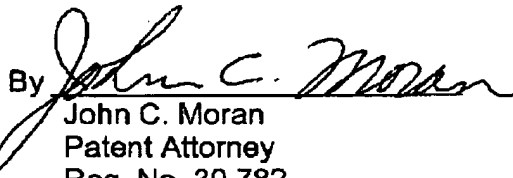
In view of the foregoing, applicant respectfully requests reconsideration of original claims 1-53 and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone

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interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,
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